

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN

TRENTON SCHEIBE,

Plaintiff,

v.

Case No. 05-C-180-C

NATIONAL BOARD OF MEDICAL EXAMINERS,

Defendant.

DEFENDANT'S PRETRIAL DISCLOSURES

Pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure, Defendant National Board of Medical Examiners (NBME), by its attorneys, Melli, Walker, Pease & Ruhly, S.C., hereby makes the following pretrial disclosures.

I. Witnesses

A. Witnesses Expected To Testify At Trial:

Samuel O. Ortiz, Ph.D.
Associate Professor of Psychology
Dept. of Psychology
St. John's University
8000 Utopia Parkway
Jamaica, NY 11439
(718) 990-5388

Steven G. Zecker, Ph.D.
Associate Professor and Director of Doctoral Studies
Department of Communication Sciences and Disorders
Program in Learning Disabilities
Northwestern University
The Frances Searle Building
2240 Campus Drive #2-331
Evanston, Illinois 60208-3560
(847) 491-2577

B. Witnesses Who May Be Called, If Needed:

Joseph Abram Doane
Manager, Disability Services
ADA Compliance Officer, Testing Programs
National Board of Medical Examiners
3750 Market Street
Philadelphia, PA 19104-3102
(215) 590-9500

Gerard F. Dillon
Associate Vice President, United States Medical Licensing Examination
National Board of Medical Examiners
3750 Market Street
Philadelphia, PA 19104-3102
(215) 590-9500

II. There are no witnesses whose testimony is expected to be presented by means of a deposition.

III. Documents

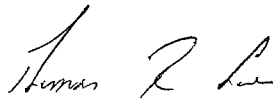
A. Documents Expected To Be Offered At Trial:

1. Psychological Assessment conducted on September 21, 2001 and October 5, 2001 and signed by David Lachar, Ph.D.
2. Questionnaire for USMLE Step 1 and 2 Applicants Requesting Test Accommodations signed by Scheibe and dated January 6, 2003.
3. Certification of Prior Test Accommodations dated January 6, 2003.
4. January 14, 2003 letter from Disability Services to Scheibe verifying receipt of Scheibe's first request for test accommodations.
5. February 4, 2003 report and recommendation of Dr. Samuel Ortiz.
6. March 24, 2003 letter from Disability Services to Scheibe denying request for test accommodations.
7. Neuropsychology Report dated August 25, 2004 and signed by Fred Theye, Ph.D.
8. Scheibie's second request for test accommodations dated October 19, 2004.

9. October 19, 2004 personal statement submitted by Scheibe to NBME in support of Scheibe's second request for test accommodations.
10. Academic transcripts and standardized test results submitted to NBME by Scheibe in support of Scheibe's second request for accommodations on Step 2 of the USMLE.
11. October 27, 2004 letter from Disability Services to Scheibe verifying receipt of Scheibe's second request for test accommodations.
12. November 10, 2004 letter from NBME to Scheibe requesting follow-up information from Dr. Theye.
13. Letter from Dr. Theye to Scheibe dated November 23, 2004, which Scheibe forwarded to NBME.
14. December 7, 2004 letter from Disability Services to Schiebe requesting follow-up information from Dr. Lachar.
15. E-mail from Dr. Lachar to Scheibe dated December 8, 2004.
16. December 16, 2004 letter from Dr. Lachar to NBME.
17. January 18, 2005 report and recommendation of Dr. Steven Zecker.
18. January 24, 2005 letter from NBME to Scheibe denying his second request for test accommodations.
19. November 20, 2005 expert report of Dr. Zecker.
20. November 30, 2005 expert report of Dr. Ortiz.
21. March 2, 2006 report of Dr. Fred Theye.
22. Curriculum vitae of Dr. Zecker.
23. Curriculum vitae of Dr. Ortiz.
24. Curriculum vitae of Dr. Fred Theye.
25. USMLE Candidate Score Inquiry List, showing Scheibe's registration periods and test results for each of Scheibe's attempts on the USMLE.

Defendant reserves the right to supplement or amend this designation during the course of trial preparation for good cause shown should it become necessary or advisable. Defendant further reserves the right not to introduce any or all of the documents identified above, and to introduce other documents for rebuttal purposes.

Dated this 3rd day of April, 2006.



Thomas R. Crone
State Bar No. 1017265
Michael P. Gallagher
State Bar No. 1047771
MELLI, WALKER, PEASE & RUHLY, S.C.
Ten East Doty, Suite 900
P. O. Box 1664
Madison, WI 53701-1664
(608) 257-4812

Attorneys for Defendant National Board of
Medical Examiners